

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MALCOLM D'SOUZA, MICHELLE:

D'SOUZAN, MABEL D'SOUZA, :

And MALCOLM D'SOUZA and :

MICHELLE D'SOUZA, as parents :

of M.D., a minor. :

:

Plaintiffs, : Civil Case No.:

:

v. : JURY TRIAL DEMANDED

:

Deanna Aken Camanse, :

:

Defendant. :

COMPLAINT

Malcolm D'Souza and Michelle D'Souza, his wife, with their children, Mabel and M.D., a minor, Plaintiffs, by Jason C. Powell, their attorney, files this Complaint against Deanna Aken Camanse, Defendant, and respectfully states:

Jurisdiction, Venue, and Parties

1. Jurisdiction of this Court is founded upon diversity of citizenship as dictated in 28 U.S.C. §1332, which confers exclusive jurisdiction of the United States District Court for causes of action between citizens of different States for claimed amounts in excess of Seventy-Five Thousand Dollars (\$75,000.00).

2. Venue is appropriate in the District of Delaware under 28 U.S.C.A. § 1391(b)(2); Plaintiffs suffered harms from the Defendant's negligent conduct within this jurisdiction.

3. Plaintiffs Malcolm, Michelle, Mabel and M.D. (the “D’Souzas”) are residents of the State of Delaware, residing at 203 Breckenridge Drive, Wilmington, DE 19808.

4. Defendant Deanna Aken Camanse is a private individual and resident of Kahului, Hawaii.

Factual History

5. On December 20, 2015, the Dsouza family was on vacation in Hawaii and were traveling south bound on Piilani Highway in an automobile at approximately 45 miles per hour.

6. Plaintiff Malcom D’Souza was driving the car while Michelle DeSouza was in the passenger seat. Their children, Mabel and M.D., were in the rear seat with Mabel sitting behind the driver and M.D. behind the passenger seat. As their car approached the intersection of Mikioi Place and Piilani Highway, another car, a Volkswagen beetle, suddenly accelerated, attempting to make a left turn onto Piilani Highway North and collided into the front driver’s side of the D’Souza’s vehicle.

7. The collision caused both vehicles to spin, become disabled on the scene, blocking the north bound and southbound lanes of the intersection, and subsequently needed to be towed from place of the accident.

8. The aforesaid collision and the D’Souzas’ resulting damages were proximately caused by the negligence of Deanna Aken Camanse in that she:

- (a) operated the vehicle she was driving in careless and wanton disregard of the safety of the persons or property;
- (b) failed to give full time and attention to the operation of the vehicle she was driving;
- (c) failed to maintain a lookout while operating the vehicle she was driving;
- (d) failed to exercise and maintain proper control over the vehicle she was driving;
- (e) violated the common law duty of lookout; and
- (f) was otherwise negligent.

COUNT I

9. Plaintiffs reallege and incorporate herein by reference the allegations contained in paragraphs 1 through 8 herein.

10. The said accident was caused by the negligence of Deanna Aken Camanse, the driver of the other vehicle.

11. As a direct and proximate result of the aforesaid negligence of Deanna Aken Camanse, the D'Souzas suffered, are suffering and will continue to suffer from painful, permanent and disabling injuries of the head, neck, back and shoulders.

12. As a further direct and proximate result of the aforesaid negligence of Deanna Aken Camanse, plaintiffs have incurred substantial medical expenses, and

will continue to suffer the same for an indefinite time in the future.

13. Defendant Deanna Aken Camanse is liable to the extent of injuries suffered to the D'Souzas and treatment for such injuries.

WHEREFORE, plaintiffs pray that this Court enter judgment against the defendant for damages to be determined.

THE POWELL FIRM, LLC

/s/ Jason C. Powell

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Attorney for Plaintiffs

DATE: December 14, 2017